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Filed : August 24, 2000

enzymes" (i.e. made by man) and that they also comprise flour. As the claimed compositions are not found in nature, Claims 13-18 meet the requirements of 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner has rejected Claims 15 and 25 under 35 U.S.C. § 112 first paragraph, asserting that the specification does not support the terminology "about." Claims 15 and 25 have been amended as suggested by the Examiner. However, Applicants note that amended Claim 15 covers particles which are not substantially different than the sizes recited therein and that amended Claim 25 covers temperatures which are not substantially different the temperatures recited therein through the Doctrine of Equivalents. Accordingly, amended Claims 15 and 25 are entitled to the full scope of equivalents.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has also rejected Claims 13-25 under 35 U.S.C. § 112, second paragraph as failing to particularly point out and distinctly claim what is regarded as the invention.

Specifically, Claims 13, 15-16, and 21 were rejected as being indefinite. Examiner asserts that it is unclear if the enzymes, or the whole agglomerated particles have a mean particle size of at least 250 microns. Claims 13 and 20 have been amended to specify that the particles have a mean particle size of at least 250 microns.

Claim 18 has also been rejected as being indefinite. The examiner asserts that it is unclear as to what is encompassed by the term "carrier". Specifically, carrier substances are part of the powdered formulation, as described in the third and fourth paragraphs on page 2 of the specification. "The carrier substance is added to the active ingredients in order to dilute them to the suitable concentration." Furthermore, examples of carriers are provided in the specification at page 2, line 24 and are recited in Claim 19. In particular, suitable carriers include starch, wheat flour, and soy flour.

Claim 20 was rejected as being incomplete for omitting essential steps. Specifically, Examiner asserts that the forming of particles greater than 250 microns is omitted. Claim 20 has been amended to add the step of forming particles greater than 250 microns. Support for this amendment is found in the specification on page 10, lines 25-27, page 11, lines 20-24, and in Figures 2-4.

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Claim 21 was rejected as being indefinite, as the phrase "the starting material" does not set forth which starting material, or materials, are included therein. Claim 21 has been amended to specify that the starting material comprises "enzymes and fat, said fat being an emulsifier."

Claims 22 and 23 were rejected because they do not recite "the atomized liquid". Claims 22 and 23 have been amended to recite "the atomized liquid", so as to be consistent with Claim 20.

Claim 23 was also rejected as being indefinite. Examiner asserts that most common polysaccharides and proteins are found as solids, and that it is unclear as to how they may be a liquid. Claim 23 has been amended to specify that the starting liquid comprises an agglomerating agent which may be polysaccharides or proteins.

In light of the foregoing, Applicants respectfully request the withdrawal of the rejection to Claims 13-25 under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102(b)

Rejection Under 35 U.S.C. § 102(b) over EP 0 659 344

The Examiner has rejected Claims 20-25 under 35 U.S.C. § 102(b) as anticipated by EP 0 659 344.

The Examiner asserts that EP '344 discloses dry granular yeast compositions. The Examiner asserts that the EP '344 discloses wetting agents, and enzymes which may be utilized in the dry powder composition with the yeast, resulting "in homogeneous products directly after mixing. The reference also states that a bread-improving agent is adhered or coated onto the dry yeast, and preferably 50% of the particles will have a smaller size than 50 microns. The Examiner also asserts that EP '344 suggests the use of a fluidized bed reactor, having an outlet temperature of 45 degrees C.

Claim 20 has been amended to recite "forming particles having a mean particle size greater than 250 μm ". EP '344 does not teach or suggest forming particles having a mean particle size greater than 250 μm ".

For the foregoing reasons, Applicant maintains that the present invention is not anticipated by EP 0 659 344. Accordingly, Applicants respectfully request the withdrawal of the rejection to Claims 20-25 under 35 U.S.C. § 102(b).

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Rejection Under 35 U.S.C. § 102(b) over Green et al.

The Examiner has also rejected Claims 13-25 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,009,076 to Green et al.

Claims 13 has been amended to recite that the composition comprises a powder having agglomerate particles and flour. Claim 20 has been amended to recite that the particles are mixed with dough and the mixture of the particles and dough is heated. Green does not teach or suggest a composition comprising a powder having agglomerate particles and flour or a method of mixing particles with dough.

The compositions disclosed in Green do not contain flour and are not used to make bread as recited in the pending claims. Specifically, Green discloses "enzyme granules, particularly for detergent compositions".

For the foregoing reasons, Applicant maintains that the present invention is not anticipated by Green et al. Accordingly, Applicants respectfully request the withdrawal of the rejection to Claims 13-25 under 35 U.S.C. § 102(b).

CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. Any claim amendments which are not specifically discussed in the above remarks with respect to satisfying one of the statutory requirements for patentability are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments.

The specific changes to the specification and the amended claims are shown on a separate set of pages attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages, the insertions are underlined while the ~~deletions are stricken through~~.

If any issues remain that may be addressed by a phone conversation, the Examiner is invited to contact the undersigned at the phone number listed below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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TC 1700VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS:

13. (Amended) A composition for preparing bread ~~improver in the form of a powder~~, comprising:

a powder comprising agglomerated particles ~~of~~ prepared from fat and enzymes, said particles having a mean particle size of at least 250 μm , said fat being an emulsifier; and

flour.

15. (Amended) The improver of Claim 13, wherein the mean particle size is between ~~about~~ 300 and 2000 μm .

20. (Amended) A method for preparing ~~producing a bread improver~~, comprising:
obtaining ~~preparing~~ a ~~starting material in the form of a powder~~, comprising particles prepared from ~~of~~ fat and enzymes, said particles having a mean particle size less than 200 μm ;

spraying the powder with an atomized liquid; ~~and~~

recovering the agglomerated bread improver;

forming particles having a mean particle size greater than 250 μm ;

mixing said particles with dough; and

heating said mixture comprising said dough and said particles.

21. (Amended) The method of Claim 20, wherein the ratio of the standard deviation/mean agglomerated particle size of the agglomeration is lower than the ratio of the standard deviation/mean particle size of the starting material, said starting material comprising enzymes and fat, said fat being an emulsifier.

22. (Amended) The method of Claim 20, wherein the atomized liquid is water.

23. (Amended) The method of Claim 20, wherein the atomized liquid ~~is~~ comprises an agglomerating agent selected from the group consisting of polysaccharides, proteins, and a mixture thereof.

25. (Amended) The method of Claim 24, wherein the temperature of the fluidized bed reactor is between ~~about~~ 20°C and 45°C.